

AP/614/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONBHAGAWATI OXYGEN LIMITED
VERSUS
HINDUSTAN COPPER LIMITEDBEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 23RD SEPTEMBER, 2022

APPEARANCE:

Mr. Avinash Kankani, Advocate
Mr. Suman Majumder, Advocate
.....for the petitionerMr. Jayanta Datta, Advocate
Mr. Biman Kumar Saha, Advocate
Mr. Atanu Mondal, Advocate
...for the respondent

The Court:- The arbitration agreement dated 1st August 2007 executed on 31st October 2014 is not in dispute. The invocation of arbitration clause has also not been disputed in this matter. Learned counsel for both the parties have fairly stated that the arbitrator could not be appointed as the parties could not agree to the name of a particular arbitrator. Hence, this application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed.

Considering the aforesaid undisputed position, AP is allowed. Mr. Shibadas Banerji, Senior Advocate, Bar Library Club, High Court at Calcutta [M:9830289533], is appointed Arbitrator to resolve the dispute between the parties, subject to submission of declaration by the Arbitrator in terms of Section 12(1) in the form prescribed in the Sixth Schedule of the Act before the Registrar, Original Side of this Court, within four weeks from today.

Let this order be conveyed to the Arbitrator by the Registrar, Original Side, forthwith.

(PRAKASH SHRIVASTAVA, C.J.)